



Order Filed on September 28,
2017 by Clerk, U.S. Bankruptcy
Court - District of New Jersey

790329

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Attorneys for Secured Creditor: U.S. BANK TRUST,
N.A., AS TRUSTEE FOR LSF9 MASTER
PARTICIPATION TRUST

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

ENRICO BENCIVENGA A/K/A ENRICO G.
BENCIVENGA, JR A/K/A HARRY BENCIVENGA

Case No: 17-14487 - SLM

Hearing Date: 09/27/2017

Judge: Stacey L. Meisel

ORDER RESOLVING OBJECTION TO CONFIRMATION

The order set forth on the following pages, numbered two (2) through two (2) is hereby
ORDERED.

DATED: September 28, 2017

A handwritten signature in cursive script, reading "Stacey L. Meisel", is written over a horizontal line.
Honorable Stacey L. Meisel
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE:

ENRICO BENCIVENGA A/K/A
ENRICO G. BENCIVENGA, JR
A/K/A HARRY BENCIVENGA

CASE NO. 17-14487 - SLM
CHAPTER 13

Debtor

ORDER RESOLVING
OBJECTION TO CONFIRMATION

HEARING DATE: 09/27/2017

This Order pertains to the property located at 1 Smith And Railroad Avenue, A/K/A 17 Railroad Avenue, Andover, NJ 07821, mortgage account ending with "3950";

THIS MATTER having been brought before the Court by STEPHEN B. MCNALLY, Esquire attorney for Debtor, ENRICO BENCIVENGA upon the filing of a Chapter 13 Plan, U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST by and through its attorneys, Phelan Hallinan Diamond & Jones, PC having filed an Objection to the Confirmation of said Chapter 13 Plan and the parties having subsequently resolved their differences; substance and entry of the within Order; and for other and good cause shown:

1. U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST has filed a valid, secured Proof of Claim in the amount of **\$161,634.15** (claim no. 2).
2. The Trustee is authorized not to pay the secured arrearage claim of U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST in the amount of **\$161,634.15 (claim no. 2)**, so Debtor can apply and potentially complete a loan modification. Should the Debtor qualify for a loan modification, the loan modification must be approved no later than **November 30, 2017**.
3. If Loan Modification is approved, U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST shall file an Amended Proof of Claim showing the amount of arrears paid to date by the Trustee.
4. If a loan modification is not approved by **November 30, 2017**, the Debtor shall do one of the following: 1) file a Modified Plan to cure the arrearage claim of Movant; or 2) file a Modified Plan to surrender the property subject to said claim; or 3) a Notice to Convert to Chapter 7; or 4) a Notice to Dismiss Case.
5. Debtor is required to make their full regular ongoing mortgage payment to Secured Creditor pending the loan modification review and said payments are subject to a 30-day default clause. Debtor acknowledges that the monthly post-petition mortgage payment amount is subject to change in accordance with the terms of the note and mortgage. Debtor will resume making regular monthly mortgage payments September 1, 2017, said payments are subject to a 30 day default clause.
6. This Order shall be incorporated in and become a part of any Order Confirming Plan in the herein matter.